

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHERYL J. DAVIS,

Plaintiff,

No. 13-cv-11538

vs.

Hon. Gerald E. Rosen

DAVID PAYNE and
CARTER AKINRUL,

Defendants.

ORDER DISMISSING CASE FOR LACK OF
SUBJECT MATTER JURISDICTION

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on April 09, 2013

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

Sheryl J. Davis, having been granted *in forma pauperis* status, filed a rambling Complaint in this action on April 4, 2013 complaining of injuries she allegedly suffered as a result of a bus accident involving the Grand River #4164 DDOT bus on March 25, 2013. Plaintiff was allegedly a passenger on the bus at the time. In her Complaint, Plaintiff is suing the bus driver and the driver of the car involved in the accident, both of whom are Michigan citizens for negligent and wreckless driving. [See Michigan Traffic Crash Report, appended as an exhibit to Plaintiff's Complaint]. Her Complaint also includes a list of a number of other state law theories of recovery including defamation, libel, slander, false arrest, premeditated murder, manslaughter, larceny, and intentional

infliction of emotional distress, but not additional facts.

However, nowhere in Plaintiff's Complaint is there any allegation of the basis of federal subject matter jurisdiction. Further, as indicated, the two defendants -- David Payne and Carter Akinrul -- Michigan citizens. [See Michigan Traffic Report appended to Plaintiff's Complaint.] Hence, complete diversity of citizenship among the parties is lacking. Therefore, diversity of citizenship jurisdiction under 28 U.S.C. § 1332 is lacking. Similarly, federal question jurisdiction also appears to be lacking. Plaintiff's Complaint alleges only state law claims. She has not alleged any violation of any provision of the United States Constitution or any federal statute, and it does not appear that any federal cause of action arises from the facts alleged. Therefore, there is no jurisdiction under 28 U.S.C. § 1331. Rather, it appears that Plaintiff's Complaint sounds only in common law negligence.

For all of the foregoing reasons,

IT IS HEREBY ORDERED that Plaintiff's Complaint be, and hereby is,
DISMISSED for lack of jurisdiction, without prejudice.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: April 9, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 9, 2013, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135